

§318.2. Standard of Care Regarding Extracorporeal Shock Wave (ECSW) Therapy Under Anesthesia or Anesthetic.

(a) Extracorporeal Shock Wave (ECSW) therapy involving the use of anesthesia or anesthetic may only be performed in either:

(1) A hospital that is licensed by the California Department of Public Health Licensing and Certification Program; or

(2) An ambulatory surgery center that is licensed by the California Department of Public Health Licensing and Certification Program and that is either:

(A) Operating pursuant to section 1248.1 of the Health and Safety Code or

(B) Accredited by an agency approved by the Medical Board of California pursuant to Chapter 1.3 of Division 2 of the Health and Safety Code (commencing with section 1248).

(b) Notwithstanding subsection (a), above, ECSW therapy involving the use of anesthesia or anesthetic shall not be performed in a mobile van as defined in subdivision (h) of section 1248.1 of the Health and Safety Code.

(c) ECSW therapy involving the use of anesthesia or anesthetic may only be performed if the patient is administered anesthesia by a California licensed physician and surgeon or other health care provider authorized under California law to administer anesthesia.

(d) ECSW therapy involving the use of anesthesia or anesthetic may only be performed following an appropriate prior examination of the patient by a California licensed physician and surgeon.

(e) The licensed doctor of chiropractic may not direct, instruct, interfere, or make any orders to the physician and surgeon or other health care provider who is administering and maintaining the anesthesia.

(f) ECSW therapy involving the use of anesthesia or anesthetic shall be performed by a licensed and competent doctor of chiropractic. The chiropractor shall formulate the ECSW therapy treatment plan and shall be responsible for performing the ECSW therapy for that procedure. ECSW therapy is limited to ultrasound related technologies within the scope of practice of a chiropractor.

(g) For the purpose of this section, the licensed doctor of chiropractic may not be involved in nor interfere with the physician and surgeon or other health care provider in the discharge of the patient following the ECSW therapy procedure.

(h) Failure by a chiropractor to follow the standard of care contained in this section when performing ECSW therapy involving the use of anesthesia or anesthetic shall constitute unprofessional conduct.

(i) “Extracorporeal Shock Wave Therapy involving the use of anesthesia or anesthetic” or “ECSW Therapy involving the use of anesthesia or anesthetic” means an ultrasound based technology used to break up fibrotic scar tissues or calcifications within musculoskeletal soft tissues of a patient who is sedated by the administration of anesthesia by a physician and surgeon or other health care provider who is legally authorized to administer anesthesia.

(j) Nothing in this section shall be construed to authorize a licensed doctor of chiropractic to perform an ablative procedure.

Note: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii).

Reference: Sections 1000-4(b), 1000-7 and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).